

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
vs.	:	
	:	NO. 06-33-02
LEON HENRY	:	

ORDER

AND NOW, this 21st day of November, 2012, upon consideration of Defendant's *pro se* Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Document No. 804, filed January 30, 2012) and the related filings of the parties,¹ Defendant's *pro se* Motion for Summary Judgment (Document No. 818, filed July 12, 2012) and the related filings of the parties,² Defendant's *pro se* Motion for a More Definite Statement with Respect to the Government's Cross Complaint for Summary Judgment (Document No. 823, filed August 31, 2012), and Defendant's *pro se* Motion Seeking Permission to Proceed In Forma Pauperis (Document No. 821, filed August 23, 2012) for the reasons set forth in the Memorandum dated November 21, 2012, **IT IS ORDERED** as follows:

1. Defendant's *pro se* Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody is **DENIED**;

2. Defendant's Motion for Summary Judgment, the government's Cross Complaint for Summary Judgment, and Defendant's Motion for a More Definite Statement with Respect to the Government's Cross Complaint for Summary Judgment are all **DENIED AS MOOT**;

¹ The related filings of the parties considered by the Court are: Defendant's *pro se* Memorandum of Law in Support of Motion to Vacate or Correct Sentence Pursuant to 18 U.S.C. §2255 (Document No. 804-1, filed January 30, 2012), the Government's Response to Defendant's Motion to Vacate, Set Aside, or Correct Sentence, Pursuant to 28 U.S.C. § 2255 (Document No. 814, filed May 7, 2012), and Defendant's *pro se* Reply to the Government's Response to Henry's Motion to Vacate Pursuant to §2255 (Document No. 817, filed July 12, 2012).

² The related filings of the parties considered by the Court are: the Government's Response to Movant's Pro Se Motion for Summary Judgment and Government's Cross Complaint for Summary Judgment (Document No. 820, filed August 15, 2012), and Defendant's *pro se* Response to Government's Cross-Motion for Summary Judgment to Henry's §2255 Ground Two (Document No. 822, filed August 31, 2012).

3. Defendant's Motion Seeking Permission to Proceed In Forma Pauperis is **DENIED** on the ground that it is unnecessary with respect to a motion under 28 U.S.C. §2255; and

4. The Clerk of Court shall **MARK** the case **CLOSED**.

5. A certificate of appealability will not issue for any of defendant's claims because reasonable jurists would not debate whether the motion states a valid claim of the denial of a constitutional right as required under 28 U.S.C. § 2253(c)(2), see Slack v. McDaniel, 529 U.S. 473, 484 (2000);

BY THE COURT:

/s/ Hon. Jan E. Dubois
JAN E. DUBOIS, J.